

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 1:11-CR-161-1
	)	
JOHNNY REID EDWARDS	)	

**GOVERNMENT’S MOTION IN LIMINE REGARDING  
DEFENDANT’S RECENT HEALTH ISSUES**

The United States of America, by and through the undersigned attorneys, respectfully moves this Court to order the defendant and his attorneys not to mention or refer to in any manner, before the jury or prospective jury panel, the defendant’s recently diagnosed health issue. In support of this motion, the Government shows the Court as follows:

**I. Factual Background**

On December 22, 2011, defendant John Edwards notified this Court of a recently diagnosed medical condition that ultimately necessitated a delay in the trial of this matter. (Dkt. No. 125, Dkt. No. 127). Edwards further updated the Court by letter filed on February 28, 2012. (Dkt. No. 175). Edwards’ current health situation has no bearing on the issues to be decided in this case and post-dates all relevant events in this matter. Moreover, based on the information provided to the Court in recent hearings and meetings, it seems likely – and is hoped – that the defendant’s condition will be resolved

or improved by the time of trial such that it will not impact the defense of this matter in any meaningful way.

## **II. Discussion**

The Government's request is based on a simple and basic underpinning of the Federal Rules of Evidence. Federal Rule of Evidence 402 permits the admission of relevant evidence and, conversely, prohibits the admission of "[e]vidence which is not relevant . . . ." Thus, only evidence which tends to "make the existence of any fact that is of consequence to the determination of the action more . . . or less probable . . ." is admissible. Fed. R. Evid. 401.

Here, the issues in question center on the defendant's acceptance and receipt of illegal campaign contributions in conjunction with his campaign for federal elective office during the 2008 Presidential campaign cycle. Health issues that are unrelated to that question and that substantially post-date the relevant facts do not tend to prove or disprove the existence of any consequential fact in the matter.

Accordingly, the defendant, his counsel, and all witnesses should be instructed not to refer to the recently diagnosed medical condition in any manner during the trial of this matter. Any such reference would serve no purpose other than to generate sympathy for the defendant, confuse the issues before the jury, and potentially mislead the jury as to the relevant facts.

The Government does not intend to offer any information concerning this matter to the jury in any way. The Government has conferred with counsel for the defendant and the defendant agrees that this issue should not be placed before the jury.

Dated: March 16, 2012

Respectfully submitted,

JOHN STUART BRUCE  
Attorney for the United States  
Acting under authority  
conferred by 28 U.S.C. § 515

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**CERTIFICATE OF SERVICE**

This is to certify that on March 16, 2012, I filed the foregoing document on the Court's CM/ECF system, which will transmit a copy to the following counsel of record in this case:

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